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REPORT
101-203

REGULATING INDIAN CHILD PROTECTION AND PREVENTING CHILD ABUSE ON INDIAN RESERVATIONS

NOVEMBER 13 (legislative day, NOVEMBER 6), 1989.—Ordered to be printed

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Mr. INOUYE, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 1783]

The Select Committee on Indian Affairs, to which was referred the bill (S. 1783) to regulate Indian child protection and prevent child abuse on Indian reservations, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE

The purpose of S. 1783 is to regulate Indian Child protection and prevent child abuse on Indian reservations.

BACKGROUND

The Selection Committee on Indian Affairs and the Special Committee on Investigations have held numerous hearings which focused on the growing problems of child abuse and neglect in Indian country. In November of 1988, the Select Committee on Indian Affairs held a field hearing in Flagstaff, AZ which focused on the problems of sexual molestation of Indian children on the Navajo and Hopi reservations by Bureau of Indian Affairs employees and teachers. In February of 1989, the Special Committee on Investigations further alerted the Congress to the tragic problems of child sexual abuse in Indian country. The hearings of the Special Committee on Investigations focused primarily on three reservations, Navajo, Hopi, and Cherokee, which have suffered cases of child sexual abuse where large numbers of children were abused over a period of years.

39-010

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In the case on the Cherokee reservation, a teacher in a BIA school victimized young boys for a period of 14 years despite reports from parents, teachers, and a former employer of the teacher about the abuse. In the case on the Hopi reservation, over 142 children were victimized over an 8 year period by a BIA school teacher. Six years prior to this teacher's eventual arrest by Federal authorities, a Navajo County Deputy Sheriff reported to BIA school officials that there were allegations of child sexual abuse against this teacher and a criminal investigation was being conducted. No administrative action was taken by the BIA. No BIA officials were reprimanded for their inaction on these cases. For years these school officials did nothing to prevent these teachers from having continued contact with children and during that time hundreds of children were victimized.

Each of the 50 states has enacted a mandatory reporting law for child abuse and neglect as mandated by the Congress. Yet, the Congress has never developed a similar mandatory reporting law for Indian country. Although some Indian tribes have developed mandatory reporting requirements they do not have the force of federal law and are not uniformly enforced, particularly with regard to employees of the BIA and IHS. The Committee found that incidents of child abuse on Indian reservations were grossly underreported. In addition, the Committee found that current practices in the BIA and IHS do not adequately provide for the background checks necessary to ensure that individuals hired for positions which have contact with or control over children are of good character. In some documented cases individuals with criminal records and prior convictions for sexual offenses have been hired for these sensitive positions and this has resulted in incidents of child sexual abuse which could have been prevented.

The Committee received testimony from witnesses in these hearings which indicated that there is a lack of funds available to Indian communities to provide extensive counselling services to victims of child sexual abuse. Many of these tribes were unable to access funds from the Bureau of Indian Affairs or Indian Health Service to fund counselling programs for the large numbers of victims on the reservation. The witnesses testified that the only source of funding which has been made available to fund projects for the treatment of victims of child sexual abuse on reservations is the Crime Victims Fund as established in the Victims of Crime Act of 1984.

The Crime Victims Fund was created out of moneys paid to the federal courts as fines imposed on criminal defendants. Currently, $2 million has been set aside for victims of federal crimes, of which, victims of crimes on Indian reservations are but one component. The Crime Victims Fund has been the primary source of funding for the treatment of victims of sexual abuse. As it is presently structured the Fund is not an appropriate source of program funds for Indian tribes because the funds are made available to specific victims on a case by case basis. Indian tribes have not been able to effectively pool these resources to fund the development of a treatment program for victims of sexual abuse. In most cases, Indian tribes have had to contract with service providers on a short term basis to provide counselling services to Indian victims.

The Committee received testimony from many witnesses who described the difficulty of developing a comprehensive therapy program for the victims of child sexual abuse when the Indian tribe does not have a permanent full-time staff and when the Indian tribe is not able to obtain firm funding for the program. In order to explain the complexity of the psychological problems associated with child sexual abuse, several witnesses described the cycle of victimization which transforms the sexual abuse victim into a perpetrator of others and the phenomena of multi-generational sexual abuse within the family. These problems are exacerbated when the necessary counselling and treatment are not available. The Committee also received testimony from witnesses who stated that without adequate funding to provide these comprehensive counselling services, the victimization cycle would continue and the numbers of victims on reservations would increase exponentially.

Committee Amendment

The Committee adopted a modified version of S. 1783, the Indian Child Abuse Prevention and Treatment Act. Many of the modifications are to conform the bill to existing federal statutes. The Committee modified S. 1783 to more appropriately address the unique status of Alaska Natives under the Alaska Native Claims Settlement Act (43 U.S.C.A. § 1601 et seq.). The Committee also modified S. 1783 to change the standard for reporting incidents of child abuse or neglect from probable cause to reasonable suspicion. The Committee increased the penalties for failing to report an incident of child abuse or neglect to not more than $5,000 or imprisonment of not more than six months or both. The Committee also increased the penalties for inhibiting or preventing a person from reporting an incident of child abuse to up to $5,000 or imprisonment of not more than six months or both. The Committee also modified S. 1783 to require an initial report of child abuse or neglect be made to the Federal Bureau of Investigation where the F.B.I. has jurisdiction. The Committee also modified S. 1783 to allow photographs, x-rays, medical examinations, psychological examinations, and interviews of a child without parental consent where there is reasonable suspicion that the child has been subjected to abuse or neglect.

Other Considerations

Section 4 of the bill establishes mandatory reporting procedures for certain professionals working in Indian country by amending Title 18 of the United States Code and providing criminal penalties for failure to report cases of child abuse or neglect. The Committee is very concerned that the reluctance of professionals working in Indian country to report instances of child sexual abuse must be corrected. The Committee has heard much testimony from tribal witnesses regarding their frustrations with the lack of timely prosecution of cases of child sexual abuse in Indian country. In many cases, Indian tribes have been unable to proceed with prosecutions in tribal court in cases of child sexual abuse where the United States Attorneys have declined prosecutions, or because of breakdowns in communications with the United States Attorneys. The

Committee feels that the penalties prescribed by this section must be enforced by United States Attorneys in United States District Courts. The criminal sanctions authorized under this section must receive the appropriate attention of the United States Attorneys in order to prevent future incidents of abuse and neglect in Indian country. The Committee feels that each United States Attorney must dedicate all available resources to the prosecution of violations of this Act and cases of child sexual abuse in Indian country.

The Committee is very concerned with testimony received during hearings on child abuse and neglect in Indian country which indicated that many federal officials and federal employees did not cooperate with local law enforcement and child protective services investigations into allegations of abuse or neglect. Several witnesses testified about IHS physicians refusing to testify in tribal court actions regarding cases of child abuse and neglect. The Committee also received testimony from tribal witnesses and federal law enforcement officials that IHS physicians refused to perform gynecological examinations on minors who were the victims of sexual abuse. The Committee is concerned that these problems may result in cases of child sexual abuse being dropped because of the failure to provide medical testimony as to the extent of the abuse and the extent of the trauma to the victim. Federal employees should cooperate fully in both tribal and federal proceedings. The Committee also received testimony to the effect that witnesses in child abuse and neglect cases may be subject to coercion or veiled threats which would tend to discourage the central purpose of this legislation to improve the reporting of incidents of child abuse and neglect in Indian country. For this reason, the Committee has included the offense of inhibiting or preventing the report of an incident of abuse or neglect. This section shall apply to a supervisor or any person or official that has authority over a person making a report under the Act.

The Committee has received testimony describing the types of child protective services available on Indian reservations and the types of tribal laws which pertain to the reporting of child abuse and neglect. The Committee intends this bill to act as a complement to existing tribal reporting laws to enhance rather than to detract from tribal reporting laws. The Committee is very concerned that the Bureau of Indian Affairs and the Indian Health Service develop policies consistent with local tribal laws.

In 1978, the Congress enacted the Indian Child Welfare Act (25 U.S.C. 1901 et seq.) as a first step towards preserving and protecting Indian families. The Committee views S. 1783 as an important additional step in the federal government's responsibility towards Indian tribes and Indian families by mandating the reporting of child abuse and neglect. In 1978, Indian families were being broken apart in child welfare proceedings by the application of non-Indian, culturally indifferent standards of health and welfare. These standards formed the basis for the termination of the parental rights of many Indian parents. Nothing in this Act is intended to suggest that non-Indian standards should apply to child welfare and child protection in Indian country. Nothing in this Act is intended to affect the substantial progress that has been made under the

Indian Child Welfare Act to preserve and promote the Indian family.

Under section 5 of the bill, there is established within the Department of Interior a central registry for reported cases of child abuse or neglect. The Committee is very concerned that certain information be available to law enforcement officials and child protective services workers in Indian country for purposes of conducting investigations into incidents of child abuse and neglect. The BIA should establish a computerized recordkeeping system that can be accessed by officials responsible for investigating cases of abuse or neglect. This computerized system must be compatible with the National Crime Information Center's record system for purposes of tracking the criminal records of potential or prospective employees. The investigation authorized under section 8 of the bill shall include a criminal records search through the National Crime Information Center's system, as well as a check of state criminal records and any records contained in the central registry.

Local law enforcement officials and local child protective services workers shall be responsible for providing the appropriate notice of the central registry report to persons who are alleged to have committed abuse or neglect. The Bureau of Indian Affairs shall ensure that an agency seeking information from the central registry shall have developed policies and procedures that ensure that information regarding the victim, the victim's family and the reporting party remain strictly confidential. An employer who is seeking information about a potential or prospective employee through the central registry system must first provide to the director of the central registry a request in writing which specifies the purpose of the records search and a statement describing the position for which the person is being considered. Information available to potential employers shall be limited to the criminal records of individuals who are being considered for positions which involve regular contact with or control over Indian children and the existence of any reported incident of child abuse or neglect in the central registry and the status of such report.

In sections 9 and 10 of this bill, the Committee recognizes the special treatment and counselling needs of victims of child sexual abuse. The Committee received testimony from many witnesses as to the severe trauma experienced by many victims of child sexual abuse and the need for long term treatment to deal with the manifestations of the original abuse. Many times the treatment of victims of child sexual abuse involves addressing other behavioral and social dysfunctions, substance abuse and addiction, and perhaps severe psychological problems. The Committee recognizes the grave needs in this area and intends the funds authorized to be distributed under the Indian Child Abuse Prevention and Treatment Grant Program to allow Indian tribes or tribal consortia the necessary flexibility to develop programs suited to the particular needs of the reservation. None of the funds authorized under this Act are to be used by the Indian Health Service for the administration of the grant program. The Committee intends that all of the funds available through the Crime Victims Fund shall be available for Indian Child Abuse Prevention and Treatment Grants.

Legislative History

S. 1783 was introduced in the United States Senate by Senator McCain, for himself and Senators DeConcini, Burdick, Cochran and Inouye, on October 24, 1989 and was referred to the Select Committee on Indian Affairs. The bill was considered by the Select Committee in an open business session on November 9, 1989, and was ordered reported with modifications.

Committee Recommendation and Tabulation of Vote

In open business session on November 9, 1989, the Select Committee on Indian Affairs, by a unanimous vote of a quorum present, ordered S. 1783, with modifications, reported with the recommendation that the Senate adopt the bill.

Section-by-Section Summary Analysis

Section 1

Section 1 cites the short title of the Act as the "Indian Child Abuse Prevention and Treatment Act."

Section 2

Section 2 sets out the findings of the Congress and the purposes of the Act. This section provides that it is a major national goal of the United States to identify and reduce incidents of child abuse and neglect on Indian reservations.

Section 3

Section 3 sets out the definitions of several terms used in the Act.

Section 4

Section 4(a)(1) sets out the reporting procedures for cases of child abuse and neglect in Indian country. This section would amend Title 18 of the United States Code to include a section 1169, which would establish mandatory reporting requirements.

Under subsection (a) of § 1169, if a person who is a physician, teacher, administrative officer of any public or private school, social worker, psychiatrist, child counselor, mental health professional, law enforcement officer, or other identified person, knows or has a reasonable suspicion that a child was abused or neglected in Indian country and fails to immediately report such abuse or neglect to a local child protective services agency or local law enforcement agency that person shall be subject to a fine of up to $5,000 or imprisonment of not more than six months or both.

Subsection (b) of § 1169 provides that any person who supervises or has authority over a person described in subsection (a) and inhibits or prevents that person from reporting a case of abuse or neglect shall be subject to a fine of up to $5,000 or imprisonment of not more than six months or both.

Subsection (d)(1) of § 1169 provides that the physician-patient, psychotherapist-patient, or other health care provider-patient privileges and the husband-wife privilege shall not apply with respect to

the reporting requirements of this Act and shall not constitute a defense to an action under subsection (a) or (b).

Subsection (d)(2) of § 1169 provides that any person making a report of child abuse or neglect based upon their reasonable belief and which is made in good faith shall be immune from civil and criminal liability for making that report.

Subsection 4(b)(1) provides that any local law enforcement agency shall immediately notify the local child protective services agency and shall submit copies of the written reports required under subsection (c) to said agency. Section 4(b)(2) provides that any local child protective services agency shall immediately notify the local law enforcement agency and shall submit copies of the written reports required under subsection (c) to said agency. This section also provides that where the Federal Bureau of Investigation has jurisdiction, the Bureau shall receive immediate notice of the child abuse.

Subsection (c)(1) provides that within 36 hours after receiving a report of child abuse or neglect the agency that initially received the report shall prepare an initial written report. Subsection (c)(1) further provides a description of the information that shall be included in the initial report.

Subsection (c)(2) requires any law enforcement agency or child protective agency that receives a report of child abuse or child sexual abuse as defined in this Act shall initiate an investigation of the allegations of abuse within 36 hours after receiving such report.

Subsection (c)(3) states that upon the completion of an investigation of any report of alleged abuse or neglect the local law enforcement agency and the local child protective services agency shall prepare a final written report.

Subsection (c)(4) provides that the initial written report prepared pursuant to subparagraph (1) shall be transmitted by that agency to the central registry on child abuse and neglect in Indian country located within the Department of Interior within 36 hours after the report is completed.

Section 5

Subsection (a) authorizes the Secretary to establish within the Department of Interior a central registry of reports of child abuse and neglect of children in Indian country.

Subsection (b) describes the information that shall be recorded in the central registry on child abuse and neglect in Indian country, which shall include a status report on the investigation or prosecution of any allegations of abuse or neglect of a child in Indian country.

Subsection (c)(1) provides that any report that is found by the Secretary to be unfounded shall be expunged from the central registry after the date that is 1 year after the date that such determination is made.

Subsection (c)(2) provides that any person who is alleged in a report to have committed abuse or neglect may apply to the Secretary to have the records in the central registry amended to correct any error or false statement in such report. The decision of the Secretary shall be final.

Subsection (d) provides that access to information contained in the records in the central registry shall be limited to the reporting medical practitioner, the custodian of the child, the guardian ad litem of the child, the courts, the appropriate departments of social services and law enforcement, U.S. Attorneys, and the person alleged to have committed the abuse or neglect. Employers may seek information about potential or current employees from the reports in the central registry to the extent that the information does not identify the child or assist in identifying the child.

Subsection (e) provides that the Secretary shall prepare and submit an annual report to the Congress that describes the number and status of reports of abuse and neglect in the central registry.

Section 6

Section 6 provides that agencies of any Indian tribe, state, or the Federal government that investigate incidents of abuse and neglect may provide information or records to those agencies of any Indian tribe, state, or the Federal Government that need to know the information in the performance of their duties.

Section 7

Section 7 provides that photographs, x-rays, medical examinations, psychological examinations, and interviews shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe that a child has been subjected to abuse or neglect. In addition, Section 7 further provides that if local law enforcement officials or local child protective services have reason to believe that a child has been subjected to abuse or neglect the officials of said agency shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian.

Subsection (c) provides that a federal magistrate or a United States District Court issue an order enforcing any provision of this section upon a finding of reasonable suspicion that a child has been subjected to abuse or neglect.

Section 8

Section 8 provides that the Secretary of Interior and the Secretary of Health and Human Services shall conduct an investigation of the character of each individual who is employed in or is being considered for a position that involves regular contact with, or control over, Indian children. It further provides that the Secretary of Interior and the Secretary of Health and Human Services shall prescribe by regulations minimum standards of character for any individual who is employed in a position that involves regular contact with, or control over, Indian children.

Subsection (c) provides that the minimum standards to be developed under subsections (a) and (b) shall at a minimum ensure that no one appointed to or holding a position that involves regular contact with, or control over, Indian children shall have been found guilty of, or entered a plea of nolo contendere or guilty to, the following offenses under Title 18 of the United States Code or under similar statutes of other jurisdictions: murder, manslaughter, assault with intent to murder, assault with a dangerous weapon, as-

sault with intent to commit rape, arson, rape, statutory rape, aggravated sexual abuse, sexual abuse of a minor, sexual contact, robbery, kidnapping, or mayhem.

Subsection (d) requires that any Indian tribe receiving funds under the Indian Self-Determination and Education Assistance Act shall conduct an investigation of the character of any individual employed by or being considered by the Indian tribe for a position that involves regular contact with, or control over, Indian children. It also requires that the Indian tribe establish minimum standards of character comparable to the standards prescribed under subsections (a) and (b).

Section 9

Section 9 amends the Victims of Crime Act of 1984, as amended, to increase the ceilings of the Crime Victims Fund by $10 million from $125 million to $135 million and from $150 million to $160 million. The Victims of Crime Act of 1984 is further amended by creating section 1402 (d)(2)(E) which establishes the Indian Child Abuse Prevention and Treatment Grant Program which shall be administered by the Secretary of Health and Human Services. These additional funds in the Crime Victims Fund shall be available for Indian Child Abuse Prevention and Treatment Grants under section 1402 (d)(2)(E) of the Victims of Crime Act of 1984.

Section 10

Section 10 provides that the Secretary of Health and Human Services through the Indian Health Service shall establish the Indian Child Abuse Prevention and Treatment Grant Program which shall povide grants to any Indian tribe or inter-tribal consrotium for the establishment on Indian reservations of treatment programs for Indians who have been victims of child sexual abuse. The maximum amount of any grant awarded under this section shall be $500,000.

This section also provides that a recipient of a grant awarded under this section shall provide such information as the Secretary may require to evaluate the program and ensure the grant funds were expended properly. The recipient of a grant under this section shall also submit a final report to the Secretary at the close of the term of the grant.

Cost and Budgetary Consideration

The cost estimate for S. 1783, as provided by the Congressional Budget Office is set forth below:

U.S. Congess,
Congressional Budget Office,
Washington, DC, November 13, 1989.

Hon. Daniel K. Inouye,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1783, the Indian Child Abuse Prevention and Treatment Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1783.
2. Bill title: Indian Child Abuse Prevention and Treatment Act.
3. Bill status: As ordered reported by the Senate Select Committee on Indian Affairs, November 9, 1989.
4. Bill purpose: S. 1783 would require prompt reporting of suspected child abuse in Indian country, with failure to report punishable by a fine. It would establish a central registry within the Department of the Interior (DOI) to maintain reports of suspected abuse, and would require DOI, the Indian Health Service and Indian tribes receiving federal funds to investigate the background of employees who work with children. Finally, the bill would provide funds through the Crime Victims Program for tribes or groups of tribes to create treatment programs for abuse victims.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Child Abuse Prevention/Treatment Program:					
Budget authority		10	10	10	10
Estimated outlays		5	8	10	10

The costs of this bill fall within budget functions 450 and 750.

Basis of estimate: S. 1783 would increase by $10 million the amount that may be deposited annually in the Crime Victims Fund, and would allow these funds to be spent to establish child abuse programs in Indian country. This would be direct spending authority, and would result in additional outlays as shown in the above table, without appropriation action.

The establishment of a central registry for reports of child abuse would require start-up costs to establish the system, as well as ongoing records management costs. CBO estimates that start-up costs would be less than $500,000 and maintenance of the records would cost about $50,000 per year thereafter. The requirement for background checks of new and existing employees would have minimal cost impact. Such checks are routinely provided for all new federal employees and the Bureau of Indian Affairs has already begun to check existing employees. Some additional investigations may be required at the Indian Health Service (IHS); however, the breadth of coverage within the IHS cannot be ascertained at this time.

6. Estimated cost to State and local governments: S. 1783 requires that Indian tribes or tribal organizations that receive funds under the Indian Self-Determination and Education Act to provide services in Indian country also investigate the background of both current and prospective employees dealing with children. Such checks are routinely provided for new federal employees by the

Office of Personnel Management, at an estimated cost of $23 per preson. Assuming similar background checks for employees of Indian tribes, the cost to tribes for operation of schools could be up to $30,000 for existing employees, plus small additional amounts each year for new employees. Tribes could also incur some costs in their health programs, depending on the interpretation of the bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Marta Morgan and Michael Sieverts.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact Statement

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1783 will have minimal regulatory or paperwork impact.

Executive Communications

The Committee has requested the views of the Department of the Interior and the Department of Health and Human Services, but has not received the official views of those departments.

Changes in Existing Law

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that enactment of S. 1783 will result in the following changes in existing law:

Chapter 53 of Title 18 of the United States Code is amended by adding at the end thereof section 1169 which establishes federal mandatory reporting requirements and penalties for failing to report incidents of child abuse and neglect in Indian country.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), as amended by Public Law 100-690, is further amended in the following manner:

(c) Distribution of Excess; Time Limitation on Deposit.—(1)(A) If the total deposited in the Fund during a particular fiscal year reaches the ceiling sum described in subparagraph (B), the excess over the ceiling sum shall not be part of the Fund. The first $2,200,000 of such excess shall be available to the judicial branch for administrative costs to carry out functions of the judicial branch under sections 3611 and 3612 of Title 18 and the remaining excess shall be deposited in the general fund of the Treasury.

(B) The ceiling sum referred to in subparagraph (A) is—

(i) [$125,000,000] *$135,000,000* through fiscal year 1991; and

(ii) [$150,000,000] *$160,000,000* thereafter through fiscal year 1994.

(2) No deposits shall be made in the Fund after September 30, 1994.

(d) Availability of Funds for Expenditure; Grant Program Percentages.—(1) Sums deposited in the Fund shall be available

for expenditure under this subsection for grants under this title without fiscal year limitation.

(2) The Fund shall be available as follows:

(A) Of the first $110,000,000 deposited in the Fund in a particular fiscal year—

(i) 49.5 percent shall be available for grants under section 10602 of this title;

(ii) 45 percent shall be available for grants under section 10603(a) of this title;

(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

(B) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

(C) Any deposits in the Fund in a particular fiscal year in excess of $105,500,000, but not in excess of $110,000,000, shall be available for grants under section 10603(a) of this title.

(D) Any deposits in the Fund in a particular fiscal year in excess of $110,000,000, *but not in excess of $125,000,000,* shall be available as follows:

(i) 47.5 percent shall be available for grants under section 10602 of this title;

(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.

(E) Any deposits into the Fund in any fiscal year in excess of $125,000,000, but not in excess of $135,000,000, shall be available for grants as provided in section 1404B.

Finally, the Victims of Crime Act of 1984 is amended by inserting after section 1404A (42 U.S.C. 10603a) the following new section:

SEC. 1404B. Amounts made available by section 1402(d)(2)(E) shall be obligated and expended by the Secretary of Health and Human Services for grants under section 10 of the Indian Child Abuse Prevention and Treatment Act. Any portion of such amounts which is not obligated by the Secretary by the end of the fiscal year in which the funds are first made available shall remain available for grants under section 10 of such Act, without fiscal year limitation, until expended.

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